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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/713,095	11/14/2000	Paul F. Hanchett	NA00-08801	9680

28875 7590 01/31/2005

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EXAMINER	
DADA, BEEMNET W	

ART UNIT	PAPER NUMBER
2135	

DATE MAILED: 01/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/713,095	HANCHETT, PAUL F.	
	Examiner	Art Unit	
	Beemnet W Dada	2135	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *19 August 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,2,4-10,12-18 and 20-26* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,2,4-10,12-18 and 20-26* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *8/16/04*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This office action is in reply to an amendment filed on August 19, 2004. Claims 1, 9 and 17 are amended, claims 3, 11 and 19 are cancelled and new claims 25 and 26 are added. Claims 1, 2, 4-10, 12-18, 20-26 are pending.

Response to Arguments

2. Applicant's arguments filed August 19, 2004 have been fully considered but they are not persuasive. Applicant argues that Howland fails to teach grouping attribute that is specifically associated with a list of group of attributes. Applicant further argues that Howland fails to teach "original value" or any sort of attribute that is itself another list of attribute. Examiner respectfully disagrees. As understood by the examiner the claimed limitations meet an object-oriented design where the concept of inheritance is used to update attributes at different levels of hierarchy. The concept of inheritance in OOP allows nodes at a lower level of hierarchy to be derived from nodes at a higher level by inheriting properties of a parent node, thereby allowing nodes at different level have common attributes (unless otherwise defined locally, see for example Howland column 2, lines 33-41). If an attribute value is changed (updated) in a parent node, all child nodes having the parent as a root inherit the changed values [see column 2, lines 60-67], and changing an attribute value that is locally defined and the node (class/object etc) is not inherited would only update the attribute value at that node [column 2, lines 60-67]. Furthermore, an attribute at root level (top of hierarchy) that is inherited or locally defined at different level of the hierarchy is associated with the entire list of attributes (see for example fig 1A, changes made to a variable at node 10 would be updated at all level of the tree unless

locally defined). The combination of Howland and Waldin teach the claimed limitations as understood by the examiner. The examiner interprets the claim language in its broadest and reasonable meaning in view of the specification. Therefore, the examiner asserts that the combination of Howland and Waldin teach the claimed limitations as recited in the claims. Accordingly the rejection is respectfully maintained.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claim 1, 2, 4-10, 12-18, 20-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Howland et al (hereinafter referred to as Howland) (US Patent No. 6,018,741) in view of Waldin et al. (hereinafter referred to as Waldin) (US Patent No. 6,651,249 B2).

5. As per claims 1, 9 and 17, Howland teaches a method for establishing a list of attributes for a computing node within a hierarchy of computing nodes, the list of attributes being associated with action to be performed by a program [column 3, lines 43-53 and figure 1A], the method comprising:

establishing a hierarchy of lists of attributes, an attribute being comprised of an attribute identifier and an attribute value [column 3, lines 54-62], the attribute value being comprised of either a list of attributes or a controlling value used by the security scanner program to control an operation of the program [column 3, lines 54-64 and column 6, lines 53-62], and , the list of attributes being comprised of a grouping attribute and a series of one or more attributes [column 2, lines 33-44, column 3, lines 54-64 and column 6, lines 63-67];

examining the grouping attribute associated with the list of attributes [column 3, lines 13-23];

updating an element of the list of attributes if the grouping attribute indicates that the element may be updated without also updating other elements the list of attributes [column 4, lines 29-37 and figures 1A and 1B];

updating the element and all other elements of the list of attributes if the grouping attribute indicates that updating the element requires all other elements to be updated [column 4, lines 15-37 and figures 1A and 1B]; and

updating the element, all other elements, and all subordinate elements of the list of attributes if the grouping attribute indicates that updating the element requires all subordinate elements of the list of attributes to be updated [column 4, lines 15-37 and figures 1A and 1B]. wherein he grouping attribute indicates one of the element may be updated without also updating other elements in the list of attributes (i.e., local variable update) [column 4, lines 29-37 and figures 1A and 1B]; updating the element requires all other elements in the list of attributes to be updated (i.e., inherited variable update) [column 4, lines 15-37 and figures 1A and 1B]; and updating the element requires all other elements in the list of attributes and all subordinate elements in the list of attributes to be updated (i.e., inherited variable update at all nodes (levels)) [column 4, lines 15-37 and figures 1A and 1B].

Furthermore, Howland teaches the method applied on data processing application programs (computer programs), consisting of attributes [column 1, lines 20-37]. Howland fails to explicitly teach a security scanner program (i.e., a virus protection software). However, it is well known in the art that security scanner program (i.e., virus protection software) is a type of software application. For example Waldin teaches virus protection software as a type of application software and a method of updating software programs [column 1, lines 20-35, column 3, lines 7-27]. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the security scanner program taught by Waldin into the application program of Howland in order to achieve the advantage of flexible updating of attributes since virus protection programs require frequent updating of programs.

6. As per claims 2, 10 and 18, the combination of Howland and Waldin teaches the method as applied above. Furthermore, Howland teaches the method wherein the element of the list of attributes contains an identifier that uniquely identifies the element and a value, wherein the value may itself be a list of elements [column 3, lines 55-61].

7. As per claims 4, 12 and 20, the combination of Howland and Waldin teaches the method as applied above. Furthermore, Howland teaches the method wherein updating the element involves overwriting the value with another value that may be identical to an original value [column 4, lines 37-50 and column 5, lines 1-16].

8. As per claim 5, 13 and 21, the combination of Howland and Waldin teaches the method as applied above. Furthermore, Howland teaches the method wherein updating the element and

all other elements of the list of attributes involves overwriting each value with another value that may be identical to an original value [column 4, lines 37-50 and column 5, lines 1-16].

9. As per claims 6, 14 and 22, the combination of Howland and Waldin teaches the method as applied above. Furthermore, Howland teaches the method wherein updating the element, all other elements in the list of attributes, and all subordinate elements of the list of attributes involves overwriting each value with another value that may be identical to an original value for each element and each subordinate element of the list of attributes [column 4, lines 37-50 and column 5, lines 1-16].

10. As per claims 7, 15 and 23, the combination of Howland and Waldin teaches the method as applied above. Furthermore, Howland teaches the method wherein if the attribute being updated is itself another list of attributes, the grouping attribute can indicate one of the attribute can be updated, a content of the list of attributes can be replaced, and the other list of attributes can be merged with the list of attributes [column 4, lines 37-67 and column 5, lines 1-16].

11. As per claims 8, 16, and 24, the combination of Howland and Waldin teaches the method as applied above. Furthermore, Waldin teaches the method wherein a security scanner program performs scanning process on files associated with computing node for malicious computer instructions, wherein details of the scanning process are specified by a list of security scanner attributes [column 1, lines 20-35 and column 3, lines 8-24].

Claims 25 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Howland US Patent No. 6,018,741 in view of Waldin US Patent No. 6,651,249 B2 as applied above and further in view of Lunt US Patent 6,543,046 B1.

As per claims 25 and 26, the combination of Howland and Waldin teaches the method for establishing a list of attributes for a computing node within a hierarchy of computing nodes, the list of attributes being associated with action to be performed by a program as applied above [see claim 1]. The combination of Howland and Waldin is silent on attribute values that includes a second list of attributes and the second list of attributes that includes a second list of grouping attribute. However within the same field of endeavor Lunt teaches a hierarchical grouping of attributes on an object oriented design including, attribute values that includes a second list of attributes and the second list of attributes that includes a second list of grouping attribute [column 4, line 42 – column 5, line 6]. Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to employ the teachings of Lunt within the combination of Howland and Waldin in order to efficiently update attribute values.

Conclusion

12. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Beemnet W Dada whose telephone number is (571) 272-3847. The examiner can normally be reached on Monday - Friday (9:00 am - 5:30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Y Vu can be reached on (571) 272-3859. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Beemnet Dada

January 25, 2005

KIM VU
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 21